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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,370	07/06/2001	Noboru Takada	33781	6021
116	7590	06/12/2006	EXAMINER AGGARWAL, YOGESH K	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			ART UNIT 2622	PAPER NUMBER

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/900,370	TAKADA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Yogesh K. Aggarwal	2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 20 March 2006.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 7,15-17 and 19-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 7,15-17 and 19-21 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

***Allowable Subject Matter***

1. The indicated allowability of claim 17 is withdrawn in view of the newly discovered reference(s) to Bonneau Jr. (US Patent # 5,581,630). Rejections based on the newly cited reference(s) follow. However claims 7, 15, 16 and 19-21 are allowable.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flom (US Patent # 4,641,349) in view of Bonneau, Jr. (US Patent # 5,581,630).

[Claim 17]

Flom et al. teaches an iris camera module (figures 8-10) comprising an image pickup optical system (82, 82a 76, 74) for picking up an image of the iris of a user (col. 8 lines 1-14, col. 8 lines 25-40) and a target optical system including a target screen (A viewing screen 86 for the iris camera 84 in figure 9) for displaying a target for aligning the eye of the user (col. 8 lines 10-40, col. 8 lines 64-68, col. 9 lines 27-41, col. 9 line 59- col. 10 line 2, col. 10 lines 15-28, figures 9 and 10), a storage for storing a reference iris information; and a comparator section for comparing an information based on the image of the iris picked up by the image pickup section with the reference iris information to output the comparison result as to whether matching is obtained (col. 5 lines 3-12, figure 3 and col. 10 lines 15-18, figure 10).

Flom fails to teach wherein the reference iris information can be overwritten only a

predetermined number of times in the storage. However Bonneau Jr. teaches a portable media card 13 that stores eye retina pattern data that is an optical CD-ROM/WORM (compact disk read only memory/write-once read memory) disk (col. 3 lines 28-47) used to compare the data with the information read from the optical card with a current data to detect a match. In Bonneau Jr., the predetermined number of times is one since he memory of Bonneau Jr. is write-once media.

Therefore taking the combined teachings of Flom and Bonneau, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have the reference iris information that can be overwritten only a predetermined number of times (i.e. "1") in the storage in order to prevent changing of the reference data by thieves/criminals, thereby enhancing security of the system. [Applicant's specification on Page 7 lines 4-10 and Page 11 lines 22-Page 12 line 4 explains storing reference iris information a predetermined number of times wherein if predetermined number of times is 1, falsification of the reference iris information is impossible and thus the security is high thereby improving the security. Therefore in order to improve security it would be obvious to write the information only one time. Bonneau Jr. teaches an optical CD-ROM/WORM (compact disk read only memory/write-once read memory) disk similar to the Applicant's definition of "1" predetermined time].

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

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4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YKA

June 7, 2006



DAVID OMETZ  
SUPERVISORY PATENT EXAMINER